REMARKS

Claims 1-47 are currently pending in the present application. Claims 1, 5, 12, 16, 22, 25, 29, 32, 36, 39, 43, and 46-47 have been amended in this Response. Reconsideration of the above-identified patent application is hereby requested in view of the above-referenced amendments and the following Remarks.

REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has rejected claims 1-7, 11-18, 22, 23, 25-27, 29, 30, 32-34, 36, 37, 39-41, 43, 44, 46 and 47 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,252,883, issued to Schweickart et al. ("Schweickart"), in view of Murakami et al. JP 05252068 A ("Murakami"). Reconsideration and withdrawal of this rejection is requested in view of the amendments to the claims submitted herewith and the following discussion.

REGARDING ALL CLAIMS

According to the Examiner, Schweickart teaches all elements of Applicants' invention except for the limitation of "personal data comprising step data corresponding to a number of steps counted during an activity of the user". The Examiner states that Murakami teaches the missing step data limitation.

In this Response, Applicants' have amended claims 1, 5, 12, 16, 22, 25, 29, 32, 36, 39, 43, 46 and 47 to expressly require captured data to be "***periodically***" transmitted to the network server over a wireless network. The rest of the claims in the application, by virtue of being dependant on one or more of the above-referenced currently amended claims, also include the periodic transmission limitation. Neither Schweickart nor Murakami, alone or in combination, teach or suggest this limitation.

First, with regard to Murakami, Murakami does not teach or suggest *any* transmission of captured personal data. Murakami merely discloses a radio receiver of a synthesizer system having integrated pedometer functionality. No data is transmitted to a network server over a wireless network.

With respect to Schweickart, the Examiner states that Schweickart teaches periodic transmission of data to a network hub. Office Action of January 24, 2006 at p. 3, ¶ 7. However, the passage cited by the Examiner clearly indicates that Schweickart's data device data is actually transmitted via an antenna *as soon as it is received*. Specifically, referring to FIG. 3, Schweickart explains that "a convention[al] cellular phone **63** has an embedded signal processor chip **65** to provide ***continuous*** monitoring [by network devices] from wristband **69** by superimposing SAMA signals from antenna **67**." 5: 14-16 (emphasis added). Thus, as opposed to the present invention, Schweickart does not teach or suggest that captured personal data is *periodically* transmitted to a network server over a wireless network.

Other passages from Schweickart further confirm that all data transmitted via the invention disclosed therein is transmitted as it is generated. *See, e.g.*, 4: 10-13 ("[t]he electrical meter in the home may provide digital information to the data device **30** for near *real time* transmission of data packets having current power usage information."); 5: 26-35 (explaining that to perform the contemplated vehicle monitoring function, the antenna **89** *repeatedly* transmits data packets indicating the identification of the vehicle, *whenever the system is powered* or *as soon as the vehicle is started without appropriate keying*); 5: 51-52 ("[t]he data device **30** sends repetitive signals on antenna **57**, indicating the patient status); 6: 16-20 (stating that data devices convert input

information into data packets and then transmit the data packets to the hub. No indication that data is captured and held for subsequent (periodic) transmission); 6: 51-56 (explaining that in the proposed Personal Data System (PDS), the data device is embedded in a laptop or cellular phone handset so that data packets are transmitted and received *as the person or vehicle moves within the network*).

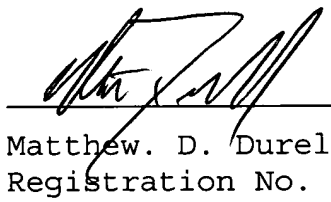
In fact, the system disclosed by Schweickart could not accomplish its stated objectives if data were not transmitted immediately. For example, Schweickart contemplates the use of his claimed system as a patient monitor, which performs such functions as adjusting IV drip parameters in response to patient data. *See* 5: 48-56. This system would be rendered useless, or at least highly ineffective, if patient data were not transmitted as received by the data device. If data, such as heart rate data, were captured and stored for subsequent (periodic) transmission to a network hub, any resulting alert signaling a cardiac emergency would be delayed and, therefore, ineffective.

In sum, Applicants' respectfully submit that the Examiner has erroneously read Schweickart as disclosing a system whereby captured personal data is transmitted to a network server over a wireless network periodically. Having amended the claims to expressly require periodic transmission of personal data, Applicants' submit that neither Schweickart nor Murakami, alone or in combination, teach all of the elements of the amended claims. As such, Applicants' submit that the § 103 rejection has been overcome and request withdrawal of the rejections.

CONCLUSION

In view of the foregoing Remarks and the Amendments to the claims, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,



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